

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE: STEVEN J. BURAS

**§ BANKRUPTCY CASE NO. 01-51383SEG
§ ADVERSARY PROCEEDING NO. 0105102**

STEVEN J. BURAS

§

APPELLANT

§

v.

§

CAUSE NO. 1:04CV807-LG-RHW

§

**H.S. STANLEY, JR., Trustee and
ESTATE OF JEANETTE MARANTO**

§

APPELLEES

ORDER DISMISSING APPEAL

THIS CAUSE COMES BEFORE THE COURT *sua sponte*. A Notice of Appeal was filed by Steven J. Buras (“Appellant”) on August 27, 2004. On October 29, 2004, the clerk of court sent a Memorandum to the parties advising the parties that the Bankruptcy Appeal Record was filed with the Court on October 28, 2004. An supplemental designation of the record was filed by Appellant on July 8, 2005, pursuant to this Court’s Order [10] granting in part and denying in part Jeanette Maranto’s Motion to Dismiss. An amended designation of record and statement of issues on appeal was filed by Appellant on February 15, 2006. No further pleadings have been filed in this case, and Appellant has never filed a brief.

Rule 8009(a)(1) of the Bankruptcy Rules requires the appellant in a bankruptcy appeal to file a brief with the district court “within 15 days after entry of the appeal on the docket pursuant to Rule 8007,” unless the district court alters this requirement by local rule. There is no local rule altering the requirement in this District. *In re Salter*, 251 B.R. 689, 691 (S.D. Miss. 2000).

Rule 8001(a) of the Federal Rules of Bankruptcy Procedure allows the district court to dismiss an appeal if the appellant fails to take any step required under the rules for proper

prosecution of an appeal. The United States Court of Appeals for the Fifth Circuit has affirmed dismissals of bankruptcy appeals when the appellant failed to file a brief within the required time. *In re Salter*, 251 B.R. at 691 (citing *International Brotherhood of Teamsters v. Braniff Airways, Inc.*, 774 F.2d 1303 (5th Cir. 1985) and *Pyramid Mobile Homes, Inc. v. Speake*, 531 F.2d 743 (5th Cir. 1976)). Because Appellant has failed to file a brief within the time allowed by the Bankruptcy Rules, he has failed to prosecute this appeal. The appeal will therefore be dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the appeal of Appellant Steven J. Buras is **DISMISSED** pursuant to Rule 8001(a) of the Federal Rules of Bankruptcy Procedure.

SO ORDERED AND ADJUDGED this the 27th day of July, 2007.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE